

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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ANITA JOHNSTON,

Plaintiff,

vs.

INDYMAC BANK FSB, now
ONEWEST BANK; QUALITY LOAN
SERVICE CORP.; MERS; IMB REO,
LLC; WESTERN THRIFT AND
LOAN,

Defendants.

2:10-CV-01003-PMP-RJJ

ORDER

Before the Court for consideration is Defendant OneWest Bank's Motion to Dismiss and Expunge Lis Pendens (Doc. #12), filed on August 5, 2010, on August 12, 2010, Defendants' IMB REO, INDYMAC Bank FSB, and MERS, filed a Joinder in Defendant's Motion to Dismiss (Doc. #17). On August 20, 2010, Defendant Quality Loan Service Corp., filed a Joinder in Defendant's Motion to Dismiss (Doc. #23).

Also before the Court is Plaintiff's Motion for Entry of Clerks Default (Doc. #14) filed August 11, 2010. Both of the foregoing motions are fully briefed.

Having read and considered the foregoing, and for reasons set forth in Defendants' motion to dismiss and expunge lis pendens (Doc. #12), the Court finds that Plaintiff's Complaint fails to state a claim upon which relief could be granted. As a result, as a dismissal of Plaintiff's Complaint pursuant to Federal Rule of Civil

1 Procedure 12(b)(6) is warranted. Additionally, Plaintiff has set forth no good cause
2 to warrant entry of clerk's default as to any of the Defendants in this action.

3 **IT IS THEREFORE ORDERED** that Defendant OneWest Bank's
4 Motion to Dismiss and Expunge Lis Pendens (Doc. #12) is **GRANTED**, and this
5 action is hereby dismissed.

6 **IT IS FURTHER ORDERED** that Plaintiff Anita Johnston's Motion for
7 Entry of Clerks Default (Doc. #14) is **DENIED**.

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9 DATED: August 24, 2010.

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13 PHILIP M. PRO
14 United States District Judge
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